



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,089	12/06/2001	Gary Cole	WAVE1110-1	8837
7590 02/21/2008 ROBERT C. KOWERT MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER YIGDALL, MICHAEL J	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

MN

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/006,089

Applicant(s)

COLE, GARY

Examiner

Michael J. Yigdall

Art Unit

2192

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: 1-4, 6, 8-12 and 14-33.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11.

Applicant's arguments have been fully considered but they are not persuasive.

Applicant states that the claimed "virtual identity" is for a user of multiple computer resources and includes a resource name identifying one of the multiple computer resources (remarks, page 2), and states that in Hoover, the users of the databases are not the people whose information is stored in the databases (remarks, page 3). Applicant contends that the examiner is confusing Hoover's "data about people" with a virtual identity for a user of multiple computer resources that includes a resource name identifying one of the multiple computer resources at which the respective information object is located (remarks, page 4).

However, the examiner respectfully submits that Applicant is mischaracterizing the examiner's position. As set forth in the final Office action, Hoover teaches an "identity index" in the form of map table 120 (see FIG. 7 and column 23, lines 8-12). The map table 120 comprises a "virtual identity" that includes a plurality of information object identifiers (e.g., "0011") and for each information object, a resource name (e.g., "RDB1") identifying one of the multiple computer resources at which the respective information object is located (see column 24, lines 40-60). The virtual identity is "for a user" at least in the sense that the information objects describe a person (see column 27, lines 34-37). The information objects are located at multiple computer resources, such as at user computers 12 (see FIG. 6).

The examiner does not dispute that in Hoover, the information stored in the databases does not necessarily describe the actual users or "operators" of the databases. Consequently, as indicated in the final Office action, Hoover does not explicitly disclose Applicant's intended use of the virtual identity as "for a user of [the] multiple computer resources."

Nonetheless, the examiner respectfully notes that the test for obviousness is not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

As set forth in the final Office action, the Dutcher reference describes a need for managing different user accounts on multiple, heterogeneous computer resources based on a single user account definition (see column 1, lines 37-47). Likewise, the teachings of Hoover enable the management of different, heterogeneous user databases on multiple computer resources based on a single, homogeneous data model (see the abstract). In Hoover, the information objects describe user accounts such as a person's account with an insurance company, health maintenance organization, and so on (see column 27, lines 43-49). In Dutcher, the user accounts are for the actual users of the multiple computer resources. Notwithstanding Applicant's characterization of Dutcher (remarks, pages 5-6), one of ordinary skill in the art could, with predictable results, apply the teachings of Hoover to the user accounts of the actual users of the multiple computer resources. In other words, one of ordinary skill in the art could, with predictable results, implement the virtual identity of Hoover such that it is "for a user of [the] multiple computer resources." In such an implementation, the resource name would identify "one of the multiple computer resources" of which the user is an actual user. Thus, the combined teachings of the references would have suggested the claimed subject matter to those of ordinary skill in the art.

Applicant contends that modifying Hoover in view of Dutcher would not change the nature or structure of Hoover's database (remarks, page 6). Indeed, the structure of Hoover's system is capable of performing Applicant's intended use of the virtual identity as "for a user of [the] multiple computer resources."

Applicant further contends that any information stored in Hoover's database would still be unrelated to any information about the users of the database, and refers to column 29, lines 46-57 of the reference (remarks, page 6). However, the examiner notes that the cited portion of Hoover merely describes an example of a message that might be used to add a person to the database. In the example, the "MyPassword" parameter included in the message "indicates a security password for the user initiating the operation, which of course is unrelated to the information associated with the person whose demographics are being added." However, the teachings of Hoover do not somehow preclude or prohibit storing user account information (for a user of the multiple computer resources) in the database. One of ordinary skill in the art would appreciate that an administrator adding user account information to the database would provide the administrator's password, which is unrelated to the user's account, even if that user is also a user of the database.

In response to Applicant's allegation that the examiner has not provided any reason why one would modify the healthcare database system of Hoover to include the user account synchronization system of Dutcher (remarks, page 7), the examiner respectfully notes that combining the teachings of the references does not involve an ability to combine the specific structures of the references. See *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973).

My



**ERIC B. KISS**  
**PRIMARY EXAMINER**